

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSIYAH MENO,

Defendant.

Case No. 2:11-cr-00368-JCM-PAL

ORDER

This matter is before the court on a letter received from L.R. Thomas, Warden at the Metropolitan Detention Center ("MDC") in Los Angeles, California requesting an extension.

On February 23, 2012, the court entered an Order (Dkt. #25) granting the government's Unopposed Motion for Psychiatric or Psychological Evaluation (Dkt. #24). The Order committed Defendant Meno for the mental health examination pursuant to 18 U.S.C. §§ 4241 and 4242 in order to determine whether he is presently suffering from a mental disease or defect that would render him incompetent such that he cannot understand the nature and consequences of these proceedings and cannot assist in his defense; and to determine Meno's mental state at the time of the alleged offense. Under 18 U.S.C. § 4247(b), Meno can be committed for a period up to forty-five days to complete the evaluation.

Mr. Thomas' letter indicates that Meno was designated to MDC on April 6, 2012, and he arrived there April 13, 2012. The clinical psychologist needs an additional fifteen days to complete the testing and examination necessary to develop a history, diagnosis, and opinion concerning Meno's present mental condition and his mental condition at the time of the charged offense. Additionally, Mr. Thomas requests that the court find that Meno's commitment under 18 U.S.C. §§ 4241 and 4242 began when Meno was designated at MDC. Thomas represents the evaluation will be completed by June 12, 2012, and the clinical psychologist's report will be filed with the court approximately three weeks

1 later—by July 3, 2012. 18 U.S.C. § 4247(b) allows the director of a facility to apply for a reasonable
2 extension for a period of up to thirty days.

3 Having reviewed and considered the matter, and good cause appearing,

4 **IT IS ORDERED:**

- 5 1. The forty-five day period prescribed by 18 U.S.C. § 4247(b) shall commence with
6 Defendant Meno's arrival at MDC on April 13, 2012.
- 7 2. Mr. Thomas' request to extend the time to complete a psychological evaluation of
8 Defendant Meno is GRANTED. Because Defendant is being evaluated under section
9 4242, a thirty-day extension to file the final report is granted.
- 10 3. The evaluation of Meno shall be completed no later than **June 12, 2012**—sixty days from
11 Meno's arrival at MDC.
- 12 4. A final report shall be submitted to the court no later than **June 27, 2012**—fifteen days
13 after completion of the evaluation. As this is the maximum time for reasonable
14 extensions under the statute, no further extensions will be permitted.
- 15 5. The time required to complete the evaluation is excludable time under the Speedy Trial
16 Act, 18 U.S.C. § 3161(h)(1)(A).
- 17 6. The Clerk of Court shall serve a copy of this Order on Mr. Thomas at:

18 L.R. Thomas
19 Warden, Metropolitan Detention Center
20 535 N. Alameda St.
Los Angeles, CA 90012

21 Dated this 10th day of May, 2012.

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24 PEGGY A. LEEN
25 UNITED STATES MAGISTRATE JUDGE
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